

AMENDED IN ASSEMBLY JUNE 1, 2005

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 258

Introduced by Senator Chesbro

February 15, 2005

An act to add Section 5338 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 258, as amended, Chesbro. Mental health: client rights.

Existing law sets forth the powers and duties of the State Department of Mental Health, including, but not limited to, the administration of the state hospitals for the mentally disordered, the licensing of psychiatric facilities, and oversight responsibilities related to the provision of local mental health services. The law establishes the rights of persons provided involuntary services in those facilities.

This bill would require the department to establish a working group to develop recommendations for improvements to the quality of residential care facilities providing board, care, and supervision for adults with mental illness and report to the Governor and the Legislature by February 15, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5338 is added to the Welfare and
- 2 Institutions Code, to read:

5338. (a) The State Department of Mental Health shall establish a working group to develop recommendations for the Governor and Legislature regarding improvements to the quality of residential care facilities providing board, care, and supervision for adults with mental illness. The working group shall include, but shall not be limited to, all of the following:

(1) System stakeholders, including, but not limited to, mental health clients, family members, a representative from a county mental health department, a county patient rights advocate, and a residential care facility operator.

(2) A representative of the Community Care Licensing Division of the State Department of Social Services.

(b) By February 15, 2007, the work group shall make recommendations to the Governor and the Legislature regarding all of the following:

(1) Improvements to minimum training requirements for facility operators and staff.

(2) Improvements to minimal nutritional standards for food provided in facilities.

(3) Improvements to facility reporting requirements.

(4) Requirements for providing advocates, residents, and family members, where appropriate, access to licensing reports relative to quality of care and service provided by a facility.

(5) Requirements for the posting of client rights' and a complaint process in each facility.

(6) Development of standardized agreements between a facility and a resident that describe the rights and responsibilities of residents and the operator.

(7) Improvements to licensing oversight including increased and random facility visits and standardized penalty structure for licensing violations.

(8) The removal of barriers to the maintenance of a stable, quality, residential care facility.

(9) Provision of information and support services to a resident who is displaced or who desires to move to more independent housing.

(10) *Provision of client and family member support services within a facility, client and family member linkage services in the*

- 1 *community, and information on client and family member*
- 2 *support resources in the community.*

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